

The Honorable Jamal N. Whitehead

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

PLAINTIFF PACITO; PLAINTIFF
ESTHER; PLAINTIFF JOSEPHINE;
PLAINTIFF SARA; PLAINTIFF
ALYAS; PLAINTIFF MARCOS;
PLAINTIFF AHMED; PLAINTIFF
RACHEL; PLAINTIFF ALI; HIAS,
INC.; CHURCH WORLD SERVICE,
INC.; and LUTHERAN COMMUNITY
SERVICES NORTHWEST,

Plaintiffs,

v.

DONALD J. TRUMP, in his official
capacity as President of the United States;
MARCO RUBIO, in his official capacity
as Secretary of State; KRISTI NOEM, in
her official capacity as Secretary of
Homeland Security; ROBERT F.
KENNEDY, JR., in his official capacity
as Secretary of Health and Human
Services,

Defendants.

NO. 2:25-cv-255-JNW

AMICI BRIEF OF THE STATE OF
WASHINGTON, THE
COMMONWEALTH OF
MASSACHUSETTS, AND THE
STATES OF ARIZONA,
CALIFORNIA, COLORADO,
CONNECTICUT, DELAWARE,
HAWAI'I, ILLINOIS, MAINE,
MARYLAND, MICHIGAN,
MINNESOTA, NEVADA, NEW
JERSEY, NEW YORK, RHODE
ISLAND, VERMONT, AND
WISCONSIN IN SUPPORT OF
PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION

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I. INTRODUCTION AND INTEREST OF AMICI STATES

The State of Washington, the Commonwealth of Massachusetts, and the States of Arizona, California, Colorado, Connecticut, Delaware, Hawai'i, Illinois, Maine, Maryland, Michigan, Minnesota, Nevada, New Jersey, New York, Rhode Island, Vermont, and Wisconsin (Amici States) respectfully submit this brief as *amici curiae* in support of Plaintiffs' Motion for Preliminary Injunction (Dkt. #14).

Under the Refugee Act, refugees—persons who have been forced to flee persecution in their homelands—are subject to a demanding procedure for admission to the United States. *See* Pub. L. No. 96-212, § 101, 94 Stat. 102 (1980). Before entry, they go through stringent vetting and are matched with resettlement agencies statutorily required to help them resettle in the United States. Once they arrive, refugees have the right to work in the United States and may become legal permanent residents within a year of admission. Dkt. #15-1; 8 C.F.R. § 274a.12(a)(3). Amici States collectively welcomed 44.87 percent of the total refugees entering the United States in fiscal year 2024, and many consistently rank in the top ten refugee receiving states.¹ For example, in fiscal year 2023, New York resettled 6.42% of all arriving refugees, California resettled 6.11%, Arizona resettled 4.34%, Michigan resettled 4.08%, and Washington resettled 4.04%.²

The “Realigning the United States Refugee Admissions Program” Executive Order³ (Refugee Ban or Ban) relies largely on the purported interests of our States to (1) impose an indefinite suspension on all refugee entry and (2) suspend refugee application processing. Amici

¹ *Refugee Arrivals by State and Nationality Fiscal Year 2024*, Refugee Processing Center (Nov. 13, 2024), https://www.wrapsnet.org/documents/FY%202024%20Arrivals%20by%20State%20and%20Nationality%20as%20of%2030%20Oct%202024_updated.pdf (data provided by the U.S. Department of State Bureau of Population, Refugees and Migration).

² *Proposed Refugee Admissions for Fiscal Year 2025, Report to the Congress*, U.S. Dep't of State, 53-54, <https://2021-2025.state.gov/wp-content/uploads/2024/10/Report-Proposed-Refugee-Admissions-for-FY25.pdf>.

³ Exec. Order No. 14163, 90 Fed. Reg. 8459 (Jan. 20, 2025).

1 States submit this brief to confirm for the Court that refugees are a benefit, not a “burden”, to
 2 our States. In Amici States’ experience, refugees, who by statute are required to have undergone
 3 rigorous security screening, are authorized to work, and are legally admitted to this country
 4 following consultation with States and localities, contribute to our States both socially and
 5 economically.

6 The Refugee Ban and funding suspension for resettlement agencies that followed (*see*
 7 Dkt. #15-23, 15-24) are unlawful, will harm Amici States and refugee communities in our States,
 8 and run counter to the interests purportedly served by the Ban. The Ban unlawfully suspends
 9 entry and application processing for spouses and unmarried under-21-year-old children of
 10 already-admitted refugees, despite statutory law to the contrary—a destructive act for families
 11 already torn apart by war and persecution, who must now wait in limbo without their family
 12 members. And the Ban is internally inconsistent by noting the importance of integrating migrants
 13 into our communities, while at the same time undermining those aims by suspending federal
 14 funding for the resettlement agencies that have long contracted with the federal government to
 15 perform this vital work. This includes connecting already-arrived refugees to housing, food,
 16 health screening, school registration, English classes, and community support during the first
 17 90 days after entry into the United States. For vulnerable people who are *already* in our country,
 18 and our States, resettlement agencies have now been deprived of federal funding necessary to
 19 meet these essential needs. This decision will significantly harm the integration of refugees into
 20 Amici States. And it has already gutted the formerly robust infrastructure that provided these
 21 services.

22 Amici States urge the Court to grant Plaintiffs’ Motion for a Preliminary Injunction.
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II. ARGUMENT

A. Plaintiffs are Likely to Succeed on the Merits of their Claims

1. The Refugee Ban is Unlawful

As argued at length in Plaintiffs’ Motion (Dkt. #14 at pp. 16-27), the Refugee Ban and subsequent Refugee Funding Suspension of federal funding for resettlement agencies are unlawful. Amici States write to highlight certain points. The Executive Order relies on Section 212(f) of the Immigration and Nationality Act to suspend entry of refugees. Exec. Order No. 14163, § 3. That statute requires the President to find that entry of a particular “class of aliens . . . would be detrimental to the interests of the United States[.]” 8 U.S.C. § 1182(f). But while the Executive Order repeatedly references “migrants,” a far broader group than refugees, it does not tailor any discussion to the class of persons actually targeted by the Ban: namely, refugees welcomed into the United States via the U.S. Refugee Admissions Program (USRAP) specifically. Exec. Order No. 14163, § 1.

The Order also improperly relies on states of emergencies related to migrants declared by Massachusetts and New York. Exec. Order No. 14163, § 1. Both Massachusetts and New York are Amici States here and welcome refugees. The declaration of a state of emergency in Massachusetts (which explicitly encouraged communities “to keep welcoming those families who wish to resettle in all corners of Massachusetts”⁴) primarily requested federal support for basic shelter needs and “urgent action to streamline and expedite work authorizations” for migrants generally (as well as to “address [our] outdated and punitive immigration laws.”). Dkt. #15-12; *see also id.* (“Many of the new arrivals to our state desperately want to work, and we have historic workforce demands across all industries”). The same is true for the declarations issued by the State and City of New York; these declarations sought the same types of federal

⁴ Letter from Governor Maura T. Healey to Secretary of Homeland Security Alejandro Mayorkas (Aug. 8, 2023), https://www.mass.gov/files/documents/2023/08/08/Emergency%20Declaration%20Letter_0.pdf.

1 support for asylum seekers and migrants who arrived at the southern border and arrived by bus
2 in New York—not refugees admitted via USRAP.⁵

3 The type of federal assistance sought in these declarations—for emergency shelter,
4 expedited work authorization applications, etc.— does not make sense in the context of refugees
5 screened and approved by USRAP after State consultation. Refugees admitted through USRAP
6 are matched with federally funded resettlement agencies already required to meet their basic
7 needs (*see* 8 U.S.C. § 1522(b)(7)(D)), and are entitled to work authorization upon admission (8
8 C.F.R. § 274a.12(a)(3)). The circumstances outlined in the Massachusetts and New York
9 declarations do not plausibly support a finding that the entry of refugees via USRAP is
10 “detrimental to the interests of the United States.”

11 The Refugee Ban also states that “[i]t is also the policy of the United States that, to the
12 extent permitted by law and as practicable, State and local jurisdictions be granted a role in the
13 process of determining the placement or settlement in their jurisdictions of [individuals] eligible
14 to be admitted to the United States as refugees.” Exec. Order No. 14163, §§ 2, 3(d) (citing 8
15 U.S.C. § 1522(a)(2)). But the Order ignores that States and localities are already guaranteed a
16 role by statute in this process before placement of refugees takes place. 8 U.S.C. § 1522(a)(2)(A),
17 (B). As part of that process, the statute requires the federal government to ensure that refugees
18 are not placed in areas without capacity for them and to take into account the availability of
19 employment, housing, and other resources in the area; the likelihood of refugees in the area
20 becoming self-sufficient and not reliant long-term on public assistance; and other factors. 8

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22 ⁵ *See* Dkt. #15-13; New York State Exec. Order No. 28 (originally issued May 9, 2023,
23 last extended through July 7, 2024 by Exec. Order 28.14), [https://www.governor.ny.gov/
24 executive-order/no-28-declaring-disaster-emergency-state-new-york](https://www.governor.ny.gov/executive-order/no-28-declaring-disaster-emergency-state-new-york); Gov. Hochul Letter to
25 President Biden (May 12, 2023), [https://www.governor.ny.gov/
26 /sites/default/files/2023-05/Gov._Hochul_Letter_to_President_Biden_-_Request_for_
Assistance.pdf](https://www.governor.ny.gov/sites/default/files/2023-05/Gov._Hochul_Letter_to_President_Biden_-_Request_for_Assistance.pdf); Gov. Hochul Letter to President Biden (Aug. 24, 2023),
[https://www.governor.ny.gov/sites/default/files/2023-08/Hochul_Biden_Asylum_
Seekers_Letter.pdf](https://www.governor.ny.gov/sites/default/files/2023-08/Hochul_Biden_Asylum_Seekers_Letter.pdf); New York City Emergency Exec. Order 224 (Oct. 7, 2022),
<https://www.nyc.gov/assets/home/downloads/pdf/executive-orders/2022/eo-224.pdf>.

1 U.S.C. § 1522(a)(2)(C). Amici States have already participated in this process and prepared for
 2 the placement and resettlement of refugees in our States—accounting for cultural, national, and
 3 family ties to those already here—whose admission has now been suspended. Far from ensuring
 4 States have a greater voice in making recommendations about refugee placement within their
 5 States, the Refugee Ban ignores Amici States’ existing role in the distribution of refugees before
 6 their placement. *See* 8 U.S.C. § 1522(a)(2)(A).

7 Moreover, the Refugee Ban conflicts with the Refugee Act by suspending entry and final
 8 approvals even for “follow-to-join” refugees—the spouses or unmarried under-21-year-old
 9 children of admitted refugees—despite Congress’s judgment that those persons “shall” be
 10 entitled to admission so long as they are not specifically barred on other grounds. *See* 8
 11 U.S.C. § 1157(c)(2)(A). The Ban will harm Amici States by severing ties between immediate
 12 family members and disrupting refugees’ ability to build a new life for themselves in Amici
 13 States. *See infra*, pp. 14-15.

14 **2. The Refugee Funding Suspension is Unlawful**

15 The Refugee Funding Suspension is also unlawful under the Refugee Act and the
 16 Administrative Procedure Act because it is arbitrary, capricious, and contrary to law. Among
 17 other reasons (*see* Dkt. #14 at 21-28), the Refugee Funding Suspension conflicts with the
 18 Refugee Act’s requirement that, to ensure the economic self-sufficiency and effective
 19 resettlement of refugees—which are essential interests of the Amici States—resettlement
 20 agencies “shall . . . fulfill [their] responsibility to provide for the basic needs . . . of each refugee
 21 resettled.” 8 U.S.C. § 1522(b)(7). The Refugee Funding Suspension directly hinders the efforts
 22 of agencies to fulfil their statutorily mandated task.

23 Moreover, the Refugee Funding Suspension relies on the President’s Executive Order on
 24 Reevaluating and Realigning United States Foreign Aid. *See* Dkt. #15-23 at 15. But that Order
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relates only to “foreign development assistance.”⁶ The resettlement agencies provide initial reception and placement support for refugees for their first 90 days in the United States: housing, food, health, employment, etc. This assistance is not foreign aid: to the contrary, initial reception and placement services consist of domestic spending that plays a vital role in Amici States’ interests in successfully integrating refugees into our communities. Cutting off funding to resettlement agencies—with no apparent reasoning—directly undercuts the Refugee Ban’s reference to ensuring refugees “fully and appropriately assimilate into the United States,” *see* Exec. Order No. 14163, § 2, since these agencies do precisely that work for refugees who have been admitted into our country and are already present in our States.

B. Amici States Welcome Refugees and Have Created Highly Effective Resettlement Systems

1. Refugees Provide Substantial Benefits to Amici States

The Refugee Ban purports to speak for the States when it suggests that the “United States lacks the ability to absorb large numbers of migrants, and in particular, refugees,” citing Amici States Massachusetts and New York as examples. Exec. Order No. 14163, § 1. The cited examples do not support the Order’s claim with respect to the refugee program (*supra* pp. 3-4). And the vast majority of states recognize the benefits of refugee resettlement. Indeed, when President Trump issued an executive order in 2019 requiring states and towns to opt in if they wanted to resettle refugees, despite that order being quickly enjoined, 42 states and more than 100 mayors elected to opt in.⁷ *See HIAS, Inc. v. Trump*, 415 F. Supp. 3d 669, 686 (D. Md. 2020), *aff’d*, 985 F.3d 309 (4th Cir. 2021) (enjoining order). Amici States welcome refugees, and their

⁶ Exec. Order No. 14169, 90 Fed. Reg. 8619 (Jan. 20, 2025), <https://www.whitehouse.gov/presidential-actions/2025/01/reevaluating-and-realigning-united-states-foreign-aid/>.

⁷ *Despite Trump Invitation to Stop Taking Refugees, Red and Blue States Alike Endorse Resettlement*, Migration Policy Institute (Jan. 29, 2020), <https://www.migrationpolicy.org/article/despite-trump-invitation-stop-taking-refugees-red-and-blue-states-alike-endorse-resettlement#>.

1 presence in our states offers substantial benefits and is not a “burden.” Exec. Order No.
2 14163, § 1.

3 Refugee resettlement confers Amici States with significant economic benefits. Despite
4 the Order’s characterization of refugees (or the undefined term “new arrivals”) as a “burden”
5 (Exec. Order No. 14163, § 1), a report made public from the first Trump administration found
6 that over the prior decade, refugees contributed \$63 billion more in tax revenue than they
7 consumed in public benefits.⁸ Consistent with that finding, a recent federal study found that
8 between 2004 and 2019, refugees and asylees contributed an estimated \$581 billion in revenue
9 to all levels of government.⁹ When including contributions from their immediate family
10 members, the total amount increased to \$739.4 billion.¹⁰ During that fifteen-year period,
11 refugees and asylees paid \$363 billion to the federal government through payroll, income, and
12 excise tax, and \$218 billion to state and local governments through income, sales, and property
13 taxes.¹¹ And refugees contribute more to the economy than they consume in government
14 services. Between 2005 and 2019, refugees and asylees provided a net fiscal benefit of \$124
15 billion, with a net benefit to state and local governments of approximately \$92.3 billion.¹² When

16 ⁸ Julie Hirshfeld Davis & Somini Sengupta, *Trump Administration Rejects Study*
17 *Showing Positive Impact of Refugees*, New York Times (Sept. 18, 2017),
18 <https://www.nytimes.com/2017/09/18/us/politics/refugees-revenue-cost-report-trump.html>.

19 ⁹ Robin Ghertner, et al., *The Fiscal Impact of Refugees and Asylees at the Federal,*
20 *State, and Local Levels from 2005 to 2019*, Office of the Assistant Secretary for Planning and
21 Evaluation, U.S. Dep’t of Health & Human Servs. (Feb. 2024), <https://aspe.hhs.gov/sites/default/files/documents/28fe4e756499bdab08b4e6cb3b952e22/aspe-report-refugee-fiscal-impact.pdf>.

22 ¹⁰ *Id.*

23 ¹¹ *Id.*; see also American Immigration Council, [https://www.americanimmigration](https://www.americanimmigrationcouncil.org/topics/state-by-state)
24 [council.org/topics/state-by-state](https://www.americanimmigrationcouncil.org/topics/state-by-state) (in an analysis of data from the 2022 American Community
25 Survey, refugees were estimated to have paid the following state and local taxes to Amici
26 States: \$3.6 billion in California, \$987.9 million in New York, \$488.9 million in Illinois,
\$455.5 million in Minnesota, \$338.6 million in Massachusetts, \$381.7 million in Washington,
\$365.7 million in New Jersey, \$278.3 million in Maryland, \$217.9 million in Michigan, \$196.3
million in Arizona, \$130.2 million in Colorado, \$94.5 million in Wisconsin, and \$55.8 million
in Nevada) (last visited Feb. 18, 2025).

¹² Ghertner, *The Fiscal Impact*, *supra* note 9, at 28, 31.

1 compared to the total U.S. population on a per capita basis, refugees and asylees had a
 2 comparable net fiscal impact, contributing a net of \$2,767 per capita.¹³ Further, refugees' public
 3 benefit usage significantly declines over time as their integration, well-being, and U.S. family
 4 ties increase.¹⁴

5 Refugees are also more likely to become entrepreneurs, creating jobs and opportunities
 6 in their communities.¹⁵ Thirteen percent of refugees create businesses, which is a higher
 7 percentage than the native-born U.S. population (9%).¹⁶ In 2022, the United States was home to
 8 more than 190,000 refugee entrepreneurs who brought in over \$6.7 billion in business income.¹⁷
 9 Refugee entrepreneurs contribute to a wide range of sectors, including customer service fields
 10 such as drycleaning, automotive services, and appliance repair, and the transportation and
 11 warehousing sectors, which have struggled to find workers in recent years.¹⁸ The refugee
 12 entrepreneurship rate is "critical to the health of [the United States'] economy."¹⁹ California
 13 alone is home to an estimated 50,000 refugee entrepreneurs who bring in approximately \$1.9
 14 billion in business income collectively.²⁰ New York and Washington also boast large refugee
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18 ¹³ *Id.*

19 ¹⁴ Donald Kerwin, *The US Refugee Resettlement Program —A Return to First*
 20 *Principles: How Refugees Help to Define, Strengthen, and Revitalize the United States*, 6(3) J.
 On Migration & Hum. Sec. 205, 206 (2018), [https://journals.sagepub.com/doi/pdf/](https://journals.sagepub.com/doi/pdf/10.1177/2331502418787787)
 10.1177/2331502418787787.

21 ¹⁵ *Starting Anew: The Economic Impact of Refugees in America*, American Immigration
 Council, 10 (June 2023), [https://www.americanimmigrationcouncil.org/sites/default/files/](https://www.americanimmigrationcouncil.org/sites/default/files/research/05.23_refugee_report_v3_0.pdf)
 22 [research/05.23_refugee_report_v3_0.pdf](https://www.americanimmigrationcouncil.org/sites/default/files/research/05.23_refugee_report_v3_0.pdf); Ayelet Parness & Matt Schiavenza, *Deep Dive: The*
Economic Impact of Refugee Resettlement, HIAS (Dec. 18, 2024), [https://hias.org/news/deep-](https://hias.org/news/deep-dive-economic-impact-refugee-resettlement/)
 23 [dive-economic-impact-refugee-resettlement/](https://hias.org/news/deep-dive-economic-impact-refugee-resettlement/).

24 ¹⁶ Parness, *supra* note 15.

25 ¹⁷ *Id.*

26 ¹⁸ *Starting Anew*, *supra* note 15, at 10-11.

¹⁹ *Id.* at 10.

²⁰ *Immigrants in California*, American Immigration Council,
<https://map.americanimmigrationcouncil.org/locations/california/> (last visited Feb. 14, 2025).

entrepreneur populations, with New York home to an estimated 8,500 and Washington an estimated 7,400.²¹

Refugees' labor force participation and employment rates are also higher than those of the total U.S. population.²² Refugee resettlement has been shown to improve local economies, including in areas like upstate New York that are experiencing population decline.²³ Refugees play an important role in filling gaps in the labor market, particularly in industries such as agriculture, construction, and healthcare.²⁴ According to the U.S. Chamber of Commerce, nearly every state in the country is facing challenges finding enough workers to fill vacant jobs.²⁵ In Minneapolis, for example, refugees helped to create or preserve significant numbers of manufacturing jobs that would have otherwise vanished or moved elsewhere by 2019.²⁶ Refugees help address these labor shortages because nearly 78% of refugees to the U.S. are working age, compared to 61.9% of the U.S. born population.²⁷ Refugees also naturalize at particularly high rates, which allows them to pursue a greater range of positions and leads to higher employment rates, higher earnings, and an ability to weather financial crises.²⁸ And

²¹ *Immigrants in New York*, American Immigration Council, <https://map.americanimmigrationcouncil.org/locations/new-york/> (last visited Feb. 14, 2025); *Immigrants in Washington*, American Immigration Council, <https://map.americanimmigrationcouncil.org/locations/washington/> (last visited Feb. 14, 2025).

²² Kerwin, *supra* note 14, at 206.

²³ Scott Fein, *Refugees in Upstate New York: A Little-Known Success Story*, 93 N.Y. St. B.J. 39, 41 (Nov./Dec. 2021).

²⁴ Jenny Kim, *Migrants and Refugees in Washington*, State Regs Today (Sept. 2024) <https://www.stateregstoday.com/living/human-rights/migrants-and-refugees-in-washington> (last visited Feb. 14, 2025).

²⁵ Parness, *supra* note 16.

²⁶ *New Americans in Minneapolis*, New American Economy (June 2021), <https://research.newamericaneconomy.org/wp-content/uploads/sites/2/2021/06/NAE-Brief-New-Americans-in-Minneapolis.2021.pdf> (last visited Feb. 14, 2025).

²⁷ Parness, *supra* note 16.

²⁸ *Starting Anew*, *supra* note 15, at 16-17.

1 because refugees are overwhelmingly of working age, they will play a critical role in sustaining
2 social programs and the workforce and caring for an aging population.²⁹

3 Refugees also contribute to the U.S. economy as consumers, with an estimated total
4 spending power of \$83.1 billion.³⁰ Their economic impact is particularly notable at the state
5 level. Across the Amici States, refugees demonstrate high consumer spending capacity,
6 including in California, where refugees have an estimated \$23.5 billion in total spending
7 power.³¹ And their spending power in the other Amici States is no less significant, with a total
8 estimated spending power of \$5.0 billion in New York, \$3.5 billion in Minnesota, \$3.2 billion
9 in Washington, \$3.2 billion in Illinois, \$2.7 billion in Massachusetts, \$2.3 billion in New Jersey,
10 \$1.9 billion in Maryland, \$1.9 billion in Michigan, \$1.9 billion in Arizona, \$1.1 billion in
11 Colorado, \$763.5 million in Wisconsin, and \$543.2 million in Nevada.³² Refugees also have
12 particularly high levels of home ownership.³³ In 2019, 59.2% of households led by refugees—
13 more than 633,000 households in total—owned their homes, and 21.4% owned their home
14 without any outstanding liens or mortgage.³⁴ Refugees often tend to move to areas that are
15 struggling economically, which can contribute to urban renewal.³⁵ The power of refugees to
16 transform a community is no better illustrated than Utica, New York, a “once-fading
17 manufacturing town,” where refugees helped stem population decline, bought and fixed-up
18 hundreds of run-down houses, filled labor gaps, and revitalized the town.³⁶

19 ²⁹ *Id.* at 19.

20 ³⁰ *Immigrants in the United States*, American Immigration Council, <https://map.americanimmigrationcouncil.org/locations/national/> (last visited Feb. 14, 2025).

21 ³¹ *Immigrants in California*, American Immigration Council,
22 <https://map.americanimmigrationcouncil.org/locations/california/> (last visited Feb. 14, 2025).

23 ³² American Immigration Council, <https://www.americanimmigrationcouncil.org/topics/state-by-state> (last visited Feb 18, 2025).

24 ³³ *Starting Anew*, *supra* note 15, at 16.

25 ³⁴ *Id.*

26 ³⁵ *Id.* at 17.

³⁶ *Documentary Explores How Refugees Have Changed Utica*, WAMC Northeast Public Radio (Nov. 12, 2021) <https://www.wamc.org/news/2021-11-12/documentary-explores-how-refugees-have-changed-utica>; *How Refugees Transformed a Dying Rust Belt Town*, The

Finally, refugees bring immeasurable social benefits in addition to economic ones. They increase cultural diversity, contribute to a more inclusive society, and help improve cross-cultural understanding.³⁷ Refugees “embrace their new communities”³⁸, and Americans are equally enthusiastic about embracing their new community members. Public polling shows that 72 percent of Americans say welcoming refugees should be a very or somewhat important immigration policy goal.³⁹ Consistent with this, Amici States are proud to be home to large and diverse refugee populations, and their presence enriches the social fabric of our States and our local communities.

2. Amici States Have Created Highly Effective Refugee Settlement Systems That Welcome Refugees into Their Communities

The success of the Amici States’ resettlement programs is driven by collaboration between federal, state, and local agencies, and national and local nonprofit institutions. Prior to the challenged actions, refugees were admitted through USRAP, which was administered concurrently with state-based refugee programs. Within USRAP, the Department of State, through the Bureau of Population, Refugees, and Migration, contracted with ten national voluntary agencies.⁴⁰ Those voluntary agencies then partnered with nonprofit resettlement agencies at the State level who provided services to refugees.⁴¹ These services are initial direct

New York Times (June 3, 2022), <https://www.nytimes.com/interactive/2022/06/03/realestate/utica-burma-refugees.html>; Katie Sullivan Borrelli & Tracey Schuhmacher, ‘*The Town that Loves Refugees*’: *Utica’s Newcomers Bring Transformation Upstate*, Democrat & Chronicle (Jan. 10, 2022), <https://www.democratandchronicle.com/in-depth/news/2022/01/10/uticas-refugees-upstate-ny-transformation/8765746002/>.

³⁷ Global Refuge, *What are the Economic Benefits of Refugees?* (Mar. 24, 2022), <https://www.globalrefuge.org/news/what-are-the-economic-benefits-of-refugees-lirs/>

³⁸ *Starting Anew*, *supra* note 15, at 16.

³⁹ Michael Lipka, *Most Americans express support for taking in refugees, but opinions vary by party and other factors*, Pew Research Center (Sept. 19, 2022), <https://www.pewresearch.org/short-reads/2022/09/19/most-americans-express-support-for-taking-in-refugees-but-opinions-vary-by-party-and-other-factors/>.

⁴⁰ *Reception and Placement Agency Contacts*, Refugee Processing Center, <https://www.wrapsnet.org/rp-agency-contacts/> (last visited Feb. 14, 2025).

⁴¹ *Id.*, at R&P Affiliate Directory.

1 assistance, as well as 90 days of case management and other services, known as “Reception and
 2 Placement” or “R&P.”⁴² The federally-funded R&P services include securing housing, food,
 3 furniture, and transportation; assisting with school registration; supporting community
 4 orientation; and connecting refugees to other services and programs run by state refugee
 5 agencies, including medical screening, health insurance enrollment, primary care, tuberculosis
 6 screening, social security cards, employment search services, English classes, and more.⁴³ *See*
 7 8 U.S.C. § 1522. In many cases, even after the 90-day R&P period, refugees continue to receive
 8 services administered by the state refugee agencies.

9 The refugee resettlement system is a tight, successful, and well-equipped network. All
 10 Amici States have designated state agencies that administer federal funding for refugees and
 11 coordinate the specialized services offered by nonprofits to meet refugees’ needs. *See, e.g.*, Mass.
 12 Gen. Laws ch. 6, § 205 (establishing the Office for Refugees and Immigrants); Wash. Rev. Code
 13 § 74.74.010 (setting forth scope of services provided by the Office of Refugee and Immigrant
 14 Assistance). For example, Massachusetts’ Office for Refugees and Immigrants, in partnership
 15 with eight local resettlement agencies, supported 2,865 refugees in 2024. And Washington’s
 16 Office of Refugee and Immigrant Assistance, in partnership with eleven local resettlement
 17 agencies, supported 4,011 in 2024.⁴⁴ These state agencies are integral participants in the federal,
 18 state, and private partnership that ensures refugees are successful in their new communities.⁴⁵

21 ⁴² *Population, Refugees, and Migration*, U.S. Department of State, The Reception and
 22 Placement (R&P) Program, <https://www.wrapsnet.org/documents/FY%202023%20Reception%20&%20Placement%20Fact%20Sheet.pdf> (last visited Feb. 14, 2025).

23 ⁴³ *See id.*

24 ⁴⁴ *Office of Refugee and Immigrant Assistance*, Washington State Department of Social
 and Health Services, <https://www.dshs.wa.gov/esa/csd-office-refugee-and-immigration-assistance/refugee-resettlement> (last visited Feb. 14, 2025).

25 ⁴⁵ *See The United States Refugee Admissions Program (USRAP) Consultation and*
 26 *Worldwide Processing Priorities*, U.S. Citizenship and Immigration Services (Nov. 22, 2024),
<https://www.uscis.gov/humanitarian/refugees-and-asylum/usrap> (last visited Feb. 14, 2025)..

Following this 90-day period, the state refugee agencies contract with resettlement agencies, community-based organizations, and other public and private providers to deliver longer-term services to eligible refugees, including programming focused on education, employment, language, unaccompanied minors, and more, as well as cash assistance.⁴⁶ *See, e.g.*, 121 Code Mass. Regs. § 2.110; Wash. Rev. Code § 74.74.050, Wash. Admin. Code § 388-466. This resettlement programming is authorized and funded by the Office of Refugee Resettlement. 8 U.S.C. § 1521; 45 C.F.R. § 400 *et seq.* These services are designed to promote self-sufficiency through programs like Comprehensive Refugee Employment Services in Massachusetts, which assists refugees with finding employment, improving language skills, and education; the Career Ladder for Educated and/or Vocationally Experienced Refugees in Washington, which assists highly educated refugees and/or skilled refugees with re-entering their career field in the United States; and the Newcomer and Well-Being Education Program in California, which helps refugees, among others, improve their wellbeing, English language proficiency, and academic performance.⁴⁷

Amici States also offer additional services to refugees and/or use state funds to supplement federally funded services. For example, Massachusetts has a Citizenship for New Americans program and a Financial Literacy for Newcomers program that are fully state-funded and assist refugees with the naturalization process.⁴⁸ And Washington invests state funding into

⁴⁶ *Office of Refugee Resettlement, Refugee Resettlement Program*, U.S. Department of Health & Human Services (current as of Oct. 22, 2024), <https://www.acf.hhs.gov/orr/about-refugee-program> (last visited Feb. 14, 2025).

⁴⁷ *ORI Employment Services*, Commonwealth of Massachusetts <https://www.mass.gov/info-details/ori-employment-services> (last visited Feb. 14, 2025); *Employment and Training, Economic Services Administration*, Washington State Department of Social And Health Services, <https://www.dshs.wa.gov/esa/csd-office-refugee-and-immigration-assistance/employment-and-training> (last visited Feb. 14, 2025); *California Newcomer Education and Well-Being*, California Dep't of Social Services, <https://www.cdss.ca.gov/inforesources/refugees/programs-and-info/youth-initiatives/calnew> (last visited Feb. 14, 2025).

⁴⁸ *Office of Refugees and Immigrants, Citizenship for New Americans Program (CNAP)*, Commonwealth of Massachusetts, <https://www.mass.gov/citizenship-for-new->

several programs for refugees and immigrants, including the Naturalization Services Program and the Limited English Proficiency Pathway.⁴⁹ Accordingly, refugees settling in Amici States rely on federal and state funding to facilitate resettlement. The collaboration of federal, state, and private organizations ensures that refugees receive the support they need upon arrival. Amici States provide funding to support these robust resettlement and integration systems because of the short- and long-term benefits they provide to the States.

C. The Refugee Ban and Refugee Funding Suspension Harm Amici States

1. The Refugee Ban Harms Refugee Communities in Amici States by Ignoring Family Ties and Cultural Connections

In addition to depriving Amici States of the contributions described above, the Refugee Ban directly harms refugee communities in Amici States. The Ban damages the goals of assimilation and integration by ignoring the Refugee Act's consideration of family reunification as a priority in refugee resettlement. Under the statutory Follow-to-Join program, refugees already admitted to the United States may petition for their spouse or unmarried minor children to join them here. 8 U.S.C. § 1157(c)(2)(A). Family reunification, in turn, promotes stronger families and communities. Refugees are generally placed where there is an established community from the same country or family members to maximize support. Interrupting this process harms families and endangers the demonstrated success of the refugee resettlement program in Amici States. Yet the Refugee Ban does just that, by preventing family reunification of refugees and suspending entry of already-approved refugees with close family and cultural

americans-program-cnap (last visited Feb. 14, 2025); *Office of Refugees and Immigrants, Financial Literacy for Newcomers (FLN)*, Commonwealth of Massachusetts, <https://www.mass.gov/info-details/financial-literacy-for-newcomers-fln> (last visited Feb. 14, 2025).

⁴⁹ *Naturalization Services, Economic Services Administration*, Washington State Department of Social and Health Services, <https://www.dshs.wa.gov/esa/csd-office-refugee-and-immigration-assistance/naturalization-services> (last visited Feb. 14, 2025); *Employment and Training, Economic Services Administration*, Washington State Department of Social and Health Services, <https://www.dshs.wa.gov/esa/csd-office-refugee-and-immigration-assistance/employment-and-training>, (last visited Feb. 14, 2025).

ties to established communities in the Amici States. The Refugee Ban disrupts refugees' ability to build the resources and social capital necessary to succeed in Amici States and weakens already established refugee communities. It also inflicts further trauma on vulnerable families, many of whom have been waiting years to be reunited with loved ones. The Ban will additionally harm our citizens, lawful permanent residents, and resident visa holders, many of whom have family members and loved ones who have already been vetted as refugees but who may be presumptively denied admission because of the Ban.

2. The Refugee Funding Suspension Disrupts Resettlement and Harms the States

The Refugee Funding Suspension is also inflicting irreparable harm on tens of thousands of refugees who have recently arrived in the United States.⁵⁰ Refugees were granted entry by the United States to escape dire humanitarian circumstances—including war, persecution, and violence—and depend on resettlement agencies for support as they build new lives in the United States. These include Afghan and Iraqi Special Immigrant Visa holders who risked their lives to support U.S. military missions in their countries as translators and interpreters, and whom Congress decided should receive resettlement benefits to the same extent as refugees. *See* Refugee Crisis in Iraq Act of 2008, Pub. L. 110-181, § 1244(g), 122 Stat. 3; Aghan Allies Protection Act of 2009, Pub. L. 111-8, § 602(b)(8), 123 Stat. 807. This support is essential to ensuring that refugees integrate into their communities and become productive members of society. Yet while the Refugee Ban purports to raise concerns about assimilation and integration (*see* Exec. Order No. 14163, § 1), suspending funding to resettlement agencies entirely undercuts this asserted interest by removing resources from the agencies that work to successfully integrate refugees into the United States.

⁵⁰ Nirvani Williams, *Western Mass. Resettlement Agency Feels Impact of Trump Administration's Broad Freeze on Foreign Aid*, New England Public Media (Jan. 31, 2025), <https://www.nepm.org/regional-news/2025-01-31/western-mass-resettlement-agency-feels-impact-of-trump-administrations-broad-freeze-on-foreign-aid>.

1 Resettlement agencies have worked with Amici States for decades to perform the
 2 essential functions of refugee resettlement, placement, and integration. States are required to
 3 plan and coordinate with the resettlement agencies during this initial 90-day period to ensure the
 4 seamless provision of services and avoid duplicating federally funded programs and services.
 5 45 C.F.R. § 400.156(b). Resettlement agencies are therefore essential partners for Amici States
 6 in ensuring that refugees are socially and economically successful.

7 The Refugee Funding Suspension disrupted critical work by cutting off federal funding
 8 for partner organizations. It immediately deprived many refugees who were already in the United
 9 States of the basic necessities and essential services to which they are entitled, many of whom
 10 are vulnerable people, including single mothers and individuals with complex medical cases.⁵¹
 11 Organizations are no longer able to offer short-term support for certain newly arrived refugees’
 12 apartments or hotels, leaving many housing insecure and at risk of hunger and homelessness.⁵²
 13 The Refugee Funding Suspension therefore exacerbates existing housing shortages in places like
 14 Massachusetts, where the Emergency Assistance Family Shelter system is already at capacity
 15 and will be further strained if refugees lose the R&P funding and are forced to enter the shelter
 16

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 18 ⁵¹ Sophie Carson, *Stop Work Order Creates ‘Unprecedented’ Turmoil for Refugees and*
 19 *Agencies that Serve Them*, USA Today (Jan. 31, 2025),
 20 <https://www.usatoday.com/story/news/local/2025/01/31/trumps-stop-work-order-leave-refugees-resettlement-agencies-in-panic/77995297007/>.

21 ⁵² Eillis O’Neill, *New Refugees in Washington are Promised 90 Days of Support. A*
 22 *Trump order Ended That*, KUOW (Feb. 7, 2025), <https://www.kuow.org/stories/trump-s-stop-work-order-impacts-hundreds-of-refugees-receiving-aid-in-washington-state>; Williams,
 23 *Western Mass. Resettlement* ; Melissa Montalvo, *Trump Executive Orders Leaves Over 100*
 24 *Refugees in Fresno Without Aid. How You Can Help* (Jan. 31, 2025), MSN.Com,
 25 <https://www.msn.com/en-us/news/us/trump-executive-orders-leaves-over-100-refugees-in-fresno-without-aid-how-you-can-help/ar-AA1yd3EL?ocid=BingNewsVerp>; Kathleen Quinn,
 26 *After Trump Order, many Stanislaus County refugee families are left with nowhere to go*, The
 Modesto Bee (Feb. 11, 2025), <https://www.modbee.com/news/politics-government/article299442824.html>; Anahita Jafary, *Refugee resettlement programs halt, leaving many in Stanislaus County with nowhere to go*, KCRA 3 (Jan. 31, 2025),
<https://www.kcra.com/article/refugee-resettlement-programs-halt-stanislaus-county/63636625>.

1 system.⁵³ In an effort to ensure continuity of services, some organizations are soliciting private
 2 donations, utilizing state funding originally intended for other purposes, or relying on direct
 3 support from local community members.⁵⁴ In some states, like California, this means that local
 4 governments will carry a heavier burden in delivering services, as both nonprofit partners and
 5 local governments deliver essential services to refugees, and services offered by counties will be
 6 in even higher demand.⁵⁵

7 By preventing agencies from doing this vital work, the Refugee Funding Suspension
 8 had—and will continue to have—immediate harmful effects on the Amici States. Reception and
 9 placement services provide timely connection to medical screening, primary care, and health
 10 insurance enrollment, thereby supporting prevention rather than response and promoting
 11 individual health and wellness. These services are vital to ensure the health of new arrivals to
 12 the Amici States—as well as the health of the State’s general population—and without them, the
 13 states will face higher health care costs. In addition, failure to provide upfront prevention and
 14 screening services means that the cost burden will shift to refugee medical screening clinics,
 15 local health jurisdictions, and state health care systems through additional staff time required to
 16 support refugee clients in successfully accessing services in the absence of case management.

17 The same is true for the other essential services provided by R&P agencies in the first 90
 18 days. It is in Amici States’ interests to ensure that newly arrived individuals and families are
 19 safe, secure, and connected with education, employment, and other services. And it is equally
 20 important that new arrivals are appropriately integrated into their new communities. It is in no
 21

22 ⁵³ Press Release, *Governor Healey Announces State’s Emergency Family Shelter*
 23 *System Will Reach Capacity by End of Month*, Commonwealth of Massachusetts (Oct. 16,
 24 2023), <https://www.mass.gov/news/governor-healey-announces-states-emergency-family-shelter-system-will-reach-capacity-by-end-of-month>.

25 ⁵⁴O’Neill, *New Refugees in Washington*, *supra* note 53; Montalvo, *Trump Executive*
Orders, *supra* note 53.

26 ⁵⁵ *Refugee Impacted Counties*, California Department of Social and Health Services,
<https://www.cdss.ca.gov/refugees/refugee-impacted-counties> (last visited Feb. 14, 2025).

one's interests for refugees currently within our borders to face social isolation, poverty, or other harms. Withholding R&P services places refugee families in Amici States at risk if they are unable to take advantage of services to aid themselves and their children when they are at their most vulnerable.

While the Refugee Funding Suspension is purportedly temporary, it has already gutted the resettlement agencies, forcing many to furlough or lay off much of their workforces.⁵⁶ Agencies are furloughing up to 40 percent of their staff funded through these federal programs. They will need to restructure their departments to operate with far fewer employees. Many of these employees are skilled staff who are highly effective in their roles and whom the agencies have already invested in training. Additionally, many of the organizations' staff come from the same refugee communities they serve, so these community members lose opportunities to conduct this important work.⁵⁷ These cuts are detrimental to the ability of Amici States to successfully welcome and integrate refugees, because this knowledge, expertise, and infrastructure, once lost, may be gone forever.

III. CONCLUSION

The Refugee Ban and Refugee Funding Suspension are unlawful, misrepresent the concerns and interests of Amici States, and undermine Amici States' goals of successfully welcoming and integrating newly arrived refugees. For the foregoing reasons and the reasons set

⁵⁶ O'Neill, *New Refugees in Washington*, *supra* note 53; Larissa Babiak, Southeast WA refugee group reeling after Trump orders 30% of employees cut, *The Spokesman-Review* (Feb. 5, 2025), <https://www.spokesman.com/stories/2025/feb/05/southeast-wa-refugee-group-reeling-after-trump-ord/>; Jack Jenkins, *Refugee Aid Groups Face Furloughs After Trump Halts Program, Refuses to Reimburse Work*, *MinistryWatch* (Feb. 6, 2025) <https://ministrywatch.com/refugee-aid-groups-face-furloughs-after-trump-halts-program-refuses-to-reimburse-work/>; Zion Decoteau, *Albany Refugee Service Pauses After Trump Order; Alleged Cairo Ice raid*, *MSN.com* (Jan. 29, 2025), <https://www.msn.com/en-us/politics/government/albany-refugee-service-pauses-after-trump-order-alleged-cairo-ice-raid/ar-AA1y5mVf?ocid=BingNewsVerp>.

⁵⁷ Babiak, *Southeast WA refugee group reeling*, *supra* note 57.

1 forth in Plaintiffs' Motion, Amici States respectfully request that the Court grant Plaintiffs'
2 Motion for Preliminary Injunction.

3 DATED this 18th day of February 2025.

4 I certify that this memorandum contains 5585
5 words, in compliance with the Local Civil Rules.

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